

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE A1C	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>				
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	X						
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
ISSUES A95.00		INDEX NUMBER A67.50		EXHIBITS SUBMITTED TO THE BOARD			
				1	ORDER APPOINTING THE BOARD		
HEARING DATE 15 APR 03		CASE NUMBER FD2003-0073		2	APPLICATION FOR REVIEW OF DISCHARGE		
				3	LETTER OF NOTIFICATION		
				4	BRIEF OF PERSONNEL FILE		
					COUNSEL'S RELEASE TO THE BOARD		
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
REMARKS Case heard at Washington, D.C. Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.							
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT				DATE: 15 APR 03			
TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.


ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received 4 Letters of Reprimand for speeding, illegal parking, being late for formation, driving while intoxicated which caused an accident, and for being arrested for disorderly conduct, underage drinking, violation of probation and being in arrears with payments. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

 (Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Mar 88 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 8 Aug 68. Enlmt Age: 17 6/12. Disch Age: 19 6/12. Educ: HS DIPL. AFQT: N/A. A-45, E-70, G-62, M-55. PAFSC: 39150 - Maintenance Data System Analysis Specialist. DAS: 20 Jan 87.

b. Prior Sv: (1) AFRes 8 Feb 86 - 14 Aug 86 (6 Months 7 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 15 Aug 86 for 4 yrs. Svd: 1 Yr 6 Mos 18 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 28 JAN 88 - Arrested for disorderly conduct, underage drinking, violation of probation, and in arrears with payments for probationary fee.

LOR, 03 SEP 87 - Driving while intoxicated which caused an accident.

LOR, 18 MAY 87 - Late for formation.

LTR, 29 APR 87 - Warning for illegal parking.

Receipt, 15 APR 87 - Issuing worthless checks.

LOR, 31 MAR 87 - Speeding.

f. CM: None.

g. Record of SV: 15 Aug 86 - 14 Aug 87 Dyess AFB 8 (Annual)

(Discharged from Dyess AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (25) Das

TAMS: (1) Yrs (6) Mos (18) Das

FD2003-00073

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Feb 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

1. DD Form 149.

31 Mar 03/cr

HEADQUARTERS 463D TACTICAL AIRLIFT WING (MAC)
DYESS AIR FORCE BASE TEXAS 79607-5000

12 FEB 1988

REPLY TO
ATTN OF: CCQ

SUBJECT: Letter of Notification

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for Misconduct-A Pattern of Misconduct-Discreditable Involvement with Military or Civil Authorities according to AFR 39-10 under the provisions of paragraph 5-47a. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

You did, in Abilene, TX, on or about 12 Jan 88, consume alcohol as a minor and were arrested for Disorderly Conduct, as evidenced by an Incident/Complaint report dated 13 Jan 88, a Urinalysis Testing letter dated 13 Jan 88, an LOR dated 28 Jan 88, and AF Form 1058, dated 2 Feb 88.

You did, in Abilene, TX, on or about 16 Aug 87, consume alcohol as a minor, was arrested and convicted for DWI and arrested for causing a motor vehicle accident, as evidenced by an Incident/Complaint report dated 17 Aug 87, a Probation order dated 23 Oct 87, and an LOR dated 3 Sep 87.

You did, at Dyess AFB, TX, on or about 16 May 87, fail to report to a mandatory formation, as evidenced by an LOR dated 18 May 87.

You did, at Dyess AFB, TX, on or about 29 Apr 87, receive a citation for illegal parking, as evidenced by DD Form 1408 dated 29 Apr 87 and a letter of Warning dated 29 Apr 87.

You did, at Dyess AFB, TX, on or about 25 Mar 87 and 31 Mar 87, issue worthless checks to the Dyess AFB Exchange, as evidenced by a Cash receipts voucher (AAFES form 7200-7)

You did, at Dyess AFB, TX, on or about 31 Mar 87, receive a citation for speeding as evidenced by DD Form 1408 dated 31 Mar 87 and an LOR dated 31 Mar 87.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you with [REDACTED] the Area Defense Counsel, on 12 Feb 88 at 0930. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by **18 FEB 88**, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to the Physical Exams Section at 0700 on 17 Feb 88 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room and must be returned to the orderly room.

8. Execute the attached acknowledgment and return it to me immediately.



Commander, 463d HQ SQ